

TOWN OF SULLIVAN PLANNING BOARD – JANUARY 3, 2017  
PUBLIC HEARING – JANUARY 3, 2017 - LAVERNE GRANT -2377 ROUTE  
31, CANASTOTA- 756 sq. ft. APARTMENT SLB 11-1-12.1

The hearing was opened by Frank Park. The secretary read the notice as published in the Oneida Dispatch.

Present: Dave Allen, Sherry Menninger, , Paul Jasek, Frank Park, Phil Costanzo and John Langey, atty

Absent: John Ceresoli

No one spoke for or against this special use permit for an additional apartment at 2377 Route 31, Canastota, NY.

A motion was made by Sherry Menninger and seconded by Paul Jasek to close the hearing. All in favor.

PUBLIC HEARING - LISA LEWIS – 119 ROXBURY ROAD – SLB 23.20-1-68 BUILD A  
HOUSE AND BARN- RE-SUBDIVISION LOT #16A

The hearing was opened by Frank Park. The secretary read the notice as published in the Oneida Dispatch.

Present: Dave Allen, Sherry Menninger, Paul Jasek, Frank Park, Phil Costanzo and John Langey, atty.

Absent: John Ceresoli

Ms. Lewis appeared with a septic design dated 12/4/16. The Town will put in 50' of road frontage for her property and she will grant an easement for a turnaround that will be dedicated to the Town. She did get a variance from the ZBA.

No one spoke for or against this re-subdivision on Roxbury Road.

A motion was made by Paul Jasek and seconded by Dave Allen to close the hearing. All in favor.

REGULAR MEETING OF THE TOWN OF SULLIVAN PLANNING BOARD JANUARY 3,  
2017

The regular meeting of the Town of Sullivan Planning Board began at 7:10PM

Present: Frank Park, David Allen, Sherry Menninger, Paul Jasek, Phil Costanzo, and John Langey, atty.

Absent: John Ceresoli

A motion was made by Dave Allen and seconded by Sherry Menninger to approve the December 6, 2016 minutes with one name correction. All in favor.

LAVERNE GRANT -2377 ROUTE 31, CANASTOTA- 756 sq. ft. APARTMENT

Mr. Grant appeared before the Board asking to add an apartment to his current building. He now has one apartment in this building. He will be putting in sewers from across the road. Mr. Grant presented a map dated 11/30/16.

John Langey will prepare the resolution with SEQR approval.

**SULLIVAN  
PLANNING BOARD RESOLUTION**

**LAVERN GRANT (Owner/Applicant) - Application for a Special Use Permit at  
2377 Route 31, Canastota, in the Town of Sullivan in a Business District TOWN OF  
for the Operation of a Mixed-Use Facility (Multi-Family Housing) at the  
Applicant/Owner's Premises Located - GRANTED WITH CONDITIONS.**

**January 3, 2017** D. Allen

moved and P. Jasek seconded the following Resolution:

**WHEREAS, Lavern Grant**, as Owner/Applicant (the “Applicant”) of property located at 2377 Route 31, Canastota, in the Town of Sullivan (the “Property”), made application to the Town of Sullivan Planning Board (the “Board”) on or about December 8, 2016 for a Special Use

Permit to construct and operate a mixed use facility at the Applicant’s premises located at 2377

Route 31, Canastota, in the Town of Sullivan, Madison County, more particularly known as Tax Map No. 11.-1-12.1, which mixed use would allow for the construction and operation of a multifamily dwelling consisting of a two (2) apartments, one for farmworkers and the other for public rental, all pursuant to the Zoning Law of the Town of Sullivan, as amended (the “Law”); and

**WHEREAS**, the Town of Sullivan Planning Board held a public hearing on the application at the Board’s regular meeting held on January 3, 2017 and after due notice by publication in the official newspaper of the Town and due notice to the Applicant, neighboring landowners and Board Members, in accordance with the law and the Zoning Law; and

**WHEREAS**, Volume 6 N.Y.C.R.R. Part 617 of the Regulations relating to Article 8 of the Environmental Conservation Law of New York (“SEQRA”), requires that as early as possible and within (20) days of a complete application, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

**WHEREAS**, the Applicant has completed and submitted a Short Form Environmental Assessment Form and the same has been reviewed and considered by the Board along with the other submissions provided by the Applicant; and

**WHEREAS**, the application was referred to the Madison County Planning Department (“MCPD”) for review and comment pursuant to General Municipal Law 239-m and said Board having issued its report dated December 12, 2016 indicating that the matter was being returned for local determination as it will not have any county-wide impacts; and

**WHEREAS**, the Applicant’s application was considered fully by the Planning Board and upon such consideration the Board hereby finds pursuant to Article V of Chapter 275 of the Town of Sullivan Zoning Law, among other things, with regard to the proposed project the following:

1. The location, size of use and structure, nature and intensity of the operations involved, *i.e.* a mixed-use facility for a multi-family dwelling, is in harmony with the orderly development of the District. The proposed use is set in an existing structure with business and residential uses, which is suitable for an additional apartment. In addition, the use of a portion of the premises for a residential apartment would not represent an intense use for the premises. Further, the premises have been used for service businesses in the past with no reported issues.

2. There will be no discouragement of appropriate development and use of adjacent lands or buildings, nor will such lands or buildings have impairment to their value by operation of the mixed use at the site. Surrounding uses in the area are both residential and commercial in nature and the premises have been used consistent with mixed uses in the past. There has been no evidence that there will be any negative impacts created by the existing structure's location or its height.
3. The operation of the mixed-use facility will not be more objectionable to nearby properties, than the operations of any other permitted standard uses. The zoning district supports mixed use and the project has been previously used for business purposes.
4. The project provides for sufficient private parking on-site. The Applicant has demonstrated that sufficient parking exists for its proposed use; and

**WHEREAS**, the Board has fully considered all of the application materials, drawings and submissions associated with the proposed use.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Sullivan Planning Board hereby allows and grants the Applicant's request for a Special Use Permit to utilize the premises as a mixed-use facility consisting of a multi-family dwelling, specifically two (2) apartments, one for farmworkers and the other for public rental at the Property, all in specific accordance with the submitted application, plans and specifications, conditioned however upon the following:

1. The Applicant will provide certification from a New York State Licensed Architect as to the mixed-use compliance with New York State Fire Prevention and Building Code;
2. The Applicant must enter into a Sewer Construction and Maintenance Agreement with the Town of Sullivan, the East Sullivan Sewer District and the South Sullivan Sewer District; and

**BE IT FURTHER RESOLVED**, that the Applicant shall comply in all respects with the Zoning Law; and

**BE IT FURTHER RESOLVED**, that the Town's Zoning Officer is hereby authorized and directed upon payment of any required fees to issue such permits (including professional engineering and legal fees) and certificates or to take such other actions as may be required to effectuate and enforce this Resolution; and

**BE IT FURTHER RESOLVED**, that this Resolution shall be effective as of the date of its filing with the Town Clerk and shall be subject to annual inspection for compliance.

The question of the adoption of the foregoing Resolution was duly put to a roll call vote, which resulted as follows:

<b>Paul Jasek</b>	<b>Voted</b>	<b>YES</b>
<b>John Ceresoli</b>	<b>Excused</b>	<b>----</b>
<b>Sherry Menninger</b>	<b>Voted</b>	<b>YES</b>
<b>Dave Allen</b>	<b>Voted</b>	<b>YES</b>

**Frank Park, Chairman**

**Voted**

**YES**

The Chairman, Mr. Park, then declared the Resolution to be duly adopted.

**FRANK PARK**, Chairman of the Planning Board of the Town of Sullivan, hereby certifies that the foregoing Resolution was duly adopted at a meeting of the Board duly convened and held on January 3, 2017, a quorum being present.

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**FRANK PARK, CHAIRMAN Town  
of Sullivan Planning Board**

**CHARLOTTE FERSTLER**, Town Clerk of the Town of Sullivan hereby certifies that the foregoing Resolution was duly filed in her office on January \_\_, 2017.

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**CHARLOTTE FERSTLER, Town Clerk**

LISA LEWIS – 119 ROXBURY ROAD – SLB 23.20-1-68 - RE-SUBDIVISION LOT 16A

Ms. Lewis would like to build on one lot (lot 16A). She needs 50' of road frontage which the Town has agreed to do. She will put in a hammerhead easement for snow removal until further development occurs.

**TOWN OF SULLIVAN PLANNING BOARD**

**RESOLUTION WAIVING HEARING ON THE AMENDED FINAL PLAT**

**AND GRANTING AMENDED FINAL PLAT APPROVAL WITH CONDITIONS**

**January 3, 2017**

**ROXBURY ROAD AMD. – LOT 16A**

**(Resubdivision of Certain Lots)**

P. Jasek moved and S. Menninger seconded the following Resolution:

**WHEREAS**, Lisa Lewis, as the current Owner/Applicant, has made an application for the granting of an amended preliminary and final plat approval involving a prior major subdivision in connection with the development of an approximately thirty-three (33) lot subdivision, which preliminary plat had been previously granted (the "Original Preliminary Plat"); and

**WHEREAS**, the premises associated with the application are located on Roxbury Road, Town of Sullivan, Madison County and are more particularly known as Tax Map Nos. 23.20-1-68, 23.20-1-69, 23.20-1-70 and 23.20-1-71; and

**WHEREAS**, Owner has made an application for an amendment to the final plat approval; and

**WHEREAS**, Applicant now desires to modify the original final plat approval incidental with the Roxbury Road Subdivision; to wit, the Applicant wishes to modify the proposed lot layout and road configuration in the most northeasterly quadrant of said subdivision to allow for the combination of prior Lots 16 and 17 into a new Lot 16A (Tax Map Nos. 23.20-1-68, 23.20-1-69, 23.20-1-70 and 23.20-1-71), along with the completion of certain drainage and road improvements; and

**WHEREAS**, the Applicant had completed and submitted a Short Environmental Assessment Form and the same had been reviewed and considered by the Board along with the other submissions provided by the Applicant; and

**WHEREAS**, pursuant to Volume 6 NYCRR, Sections 617.3 and 617.6 of the Regulations relating to Article 8 of the Environmental Conservation Law of New York (SEQRA), a previous determination of environmental non-significance was made on December 6, 2016; and

**WHEREAS**, it appears to be in the best interest of the Town that said Application for the Preliminary Plan be approved subject to the conditions set forth below; and

**WHEREAS**, the Applicant has previously obtained an area variance for required road frontage from the Town of Sullivan Zoning Board of Appeals on September 8, 2016; and

**WHEREAS**, the Town of Sullivan Highway Superintendent has expressed his intent to extend the existing terminus of the paved portions of Roxbury Road, approximately 210 feet, as an extension of the public road, with a temporary turnaround for Town equipment; and

**WHEREAS**, the Applicant has stated her intentions to deed and dedicate to the Town the land area of said improvements and to grant said temporary turnaround; and

**WHEREAS**, this Board has determined that the Final Plat as submitted is in substantial compliance with the Preliminary Plat and is hereby and herewith approved by this Board and that pursuant to Section 276 of the Town Law and the Subdivision Regulations of the Town of Sullivan, the requirements for a public hearing on the final application is hereby waived.

**WHEREAS**, the Town's Highway Superintendent and/or Consulting Engineer will be required to certify completion of the facilities as compliant with the plans (with the exception of construction of the top course of the road); and

**WHEREAS**, the Applicant will be required to execute a Highway and Drainage Construction and Maintenance Agreement obligating the full construction of the improvements to the Roxbury Road Subdivision (to be performed by the Highway Superintendent); and

**WHEREAS**, the Applicant, now having duly made an application for amended final approval of a proposed resubdivision in the Town of Sullivan known as "Roxbury Road Amd. – Lot 16A Subdivision;" and

**WHEREAS**, the Planning Board has previously duly called and held a public hearing to consider the proposed amended Plat Plan; and

**WHEREAS**, notice of said original hearing was published in the manner required by law and proof of said publishing has been presented to the Planning Board; and

**WHEREAS**, all persons desiring to be heard in connection with such proposed subdivision have been duly heard and the Planning Board has given full consideration to the statements and views submitted at such hearing; and

**WHEREAS**, the Applicant has presented to this Board an application for Amended Final Plat approval for lots located in said resubdivision to be known as Roxbury Road Amd. – Lot 16A Subdivision; and

**WHEREAS**, this Board has determined that the Amended Final Plat for the Roxbury Road Amd. – Lot 16A Subdivision, as submitted and revised, is in substantial compliance with the Preliminary Plat and is hereby and herewith approved by this Board, and that pursuant to Section 276 of the Town Law and the Subdivision Regulations of the Town of Sullivan, the requirements for a public hearing on the final application may be waived.

**NOW, THEREFORE, BE IT RESOLVED**, that pursuant to Section 276 of the Town Law and the Subdivision Regulations of the Town of Sullivan, the requirement for a public hearing on the Amended Final Plat Plan is hereby waived; and it is further

**RESOLVED**, that the Planning Board of the Town of Sullivan hereby accepts the amended final plan and grants Amended Final Plat Plan approval on the resubdivision known as “Roxbury Road Amd. – Lot 16A Subdivision,” based on a final plan titled “Roxbury Road Amd. – Lot 16A, Part of Lot 42 – NW Part of the Late Oneida Res., Town of Sullivan, Madison County, New York,” prepared by SeGuin Land Surveying, P.L.L.C., dated December 4, 2016, as last revised December 7, 2016, subject to the payment of fees associated with review of said application and further subject to the following conditions:

1. That the Applicant shall enter into a Highway and Drainage Construction and Maintenance Agreement with the Town of Sullivan Town Board, which Agreement will include the arrangement for the completion of the road designated as Roxbury Road, as depicted on the map of the Subdivision and the submitted plans and drawings to be completed by the Town Highway Department and dedication of same.
2. Delivery and recording of deeds and transfer documents necessary for the dedication and recording of the road and temporary turnaround easement (free and clear of all liens and encumbrances).
3. Delivery of Affidavit of No Liens from the Applicant demonstrating that no contractors have filed any liens on the public improvements (roads and drainage) transferred to the Town.
4. Construction inspection of the balance of the construction of the proposed drainage facilities and utilities shall be conducted by the Town of Sullivan and/or its Consulting Engineer.
5. The Applicant shall take all necessary measures to provide for dedication of the proposed public roads and easements and for all other public improvements as depicted on the subdivision map and no transfer of individual lots shall occur until such dedications have been accomplished.

6. The Applicant will comply with all other Town of Sullivan Zoning and Subdivision Regulations.
7. The Applicant will submit acceptable erosion control and sediment plans for construction related activities as well as post construction development at the direction of the Town's Consulting Engineer and/or Highway Superintendent, as may be necessary; and it is further

**RESOLVED**, that such approval is also conditioned upon the payment to the Town of Sullivan of any outstanding professional fees; and it is further

**RESOLVED**, that the Planning Board hereby authorizes the Chairman of the Planning Board to sign the Final Plat upon certification that all requirements and conditions set forth herein have been satisfactorily met; and it is further

**RESOLVED**, that this approval is subject to any appropriate agreements being entered into by the Applicant and the Town of Sullivan as directed by the Town Attorney and it is noted by the Planning Board that the within approval shall not operate as a precedent for any future approvals; and it is further

**RESOLVED**, that the Zoning Officer is hereby authorized and directed upon payment of any required fees to issue such permits and certificates and to take such other action as may be required to effectuate and enforce this Resolution subject to the above conditions.

The question of the adoption of the foregoing Resolution was duly put to a roll call vote, which resulted as follows:

<b>Paul Jasek</b>	<b>Voted</b>	<b>YES</b>
<b>John Ceresoli</b>	<b>Excused</b>	<b>-----</b>
<b>Sherry Menninger</b>	<b>Voted</b>	<b>YES</b>
<b>Dave Allen</b>	<b>Voted</b>	<b>YES</b>
<b>Frank Park, Chairman</b>	<b>Voted</b>	<b>YES</b>

The Chairman, Mr. Park, then declared the Resolution to be duly adopted.

**FRANK PARK**, Chairman of the Planning Board of the Town of Sullivan, hereby certifies that the foregoing Resolution was duly adopted at a meeting of the Board duly convened and held on January 3, 2017, a quorum being present.

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**FRANK PARK, CHAIRMAN**

**Town of Sullivan Planning Board**

**CHARLOTTE FERSTLER**, Town Clerk of the Town of Sullivan hereby certifies that the foregoing Resolution was duly filed in her office on January \_\_\_, 2017.

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**CHARLOTTE FERSTLER, Town Clerk**

**JEFF/JENNIFER ABULENCIA – (STEPHEN FREY) 472 ROUTE 31, BRIDGEPORT – SLB 8.6-1-73 -INSURANCE BUSINESS – MOVE TO 472 ROUTE 31, BRIDGEPORT – FROM 444 MAIN STREET –BRIDGEPORT**

The Abulencia's appeared before the Board. They would like to move their insurance business from 444 Main Street, Bridgeport to 472 Route 31, Bridgeport.

The Board is concerned about drainage and placement of the lot line. They also need to address the entrance to the building, handicapped parking, and employee parking on a site plan. They will bring in their plans for lighting and a sign.

A motion was made by Sherry Menninger and seconded Paul Jasek by to schedule public hearing for a special use permit to build a structure approximately 24' x 30' for an insurance business at 472 Route 31, Bridgeport.

A motion was made by Paul Jasek and seconded by Sherry Menninger to adjourn the meeting at 7:45PM. All in favor.

Respectfully submitted,